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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION 1		
10/589,791	08/17/2006	Michael Dankert	2003P12715WOUS 3862		
22116 SIEMENS COF	7590 12/04/200 <b>RPORATION</b>	8	EXAMINER		
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ISELIN, NJ 088	0 WOOD AVENUE SOUTH ELIN, NJ 08830		ART UNIT	PAPER NUMBER	
ŕ			2855		
			MAIL DATE	DELIVERY MODE	
			12/04/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/589,791	DANKERT ET AL.		
Examiner	Art Unit		
OCTAVIA DAVIS	2855		

3.			0017101171271110		2000	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidative, or other evidency, which paces the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a ☐ The period for reply expires	The MAILING DATE of this communic	ation appea	ars on the cover sheet	with the	correspondence add	dress
application, applicant must timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance; (2) a hotice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods:  a) The period for reply expiresmonths from the mailing date of this final rejection.  by The period for reply expiresmonths from the mailing date of the final rejection.  Examiner hote: (I bot is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY STEELY STEELY INTO Exeminer hote: (I bot is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY STEELY STEEL	THE REPLY FILED <u>06 November 2008</u> FAILS TO P	PLACE THIS	APPLICATION IN COM	NDITION F	OR ALLOWANCE.	
<ul> <li>b) ∑ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of their ejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WFEP 706 for (7).</li> <li>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the polition under 37 CFR 1.136(a) and the appropriate extension fee base been fleid is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) and provided in the final rejection or (2) as set forth in (b) and the proposed amount of the fee.</li> <li>Child The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a), any extension thereof (37 CFR 41.37 (e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>MENDMENTS</li> <li>Mendments are not deemed to place the application, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new proposed and proposed and proposed proposed pr</li></ul>	application, applicant must timely file one of the application in condition for allowance; (2) a Not for Continued Examination (RCE) in compliance	e following retice of Appe	eplies: (1) an amendme al (with appeal fee) in c	ent, affidavi ompliance	t, or other evidence, with 37 CFR 41.31; of	which places the or (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1. is checked, check clither box (a) or fb. ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent treat adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2 The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e). In avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e).  AMENDMENTS  3. A The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They raise the issue of new matter (see NOTE below);  (c) They raise the issue of new matter (see NOTE below);  (d) They raise the distinct of the period set of the perio	a) The period for reply expiresmonths from	m the mailing	date of the final rejection.			
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on	no event, however, will the statutory period for r Examiner Note: If box 1 is checked, check eithe	reply expire la er box (a) or (b	ter than SIX MONTHS from b). ONLY CHECK BOX (b)	n the mailing	g date of the final rejecti	on.
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.         NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li></ul>	Extensions of time may be obtained under 37 CFR 1.136(a have been filed is the date for purposes of determining the under 37 CFR 1.17(a) is calculated from: (1) the expiration set forth in (b) above, if checked. Any reply received by the may reduce any earned patent term adjustment. See 37 C	a). The date of period of extending the standard of the standa	on which the petition under ension and the correspond hortened statutory period fo	ing amount or reply origi	of the fee. The appropr nally set in the final Offi	iate extension fee ce action; or (2) as
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They are not deemed to place the application in better form for appeal by materially rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s):		rief in compl	iance with 37 CFR 41 3	7 must be	filed within two month	s of the date of
(a)	filing the Notice of Appeal (37 CFR 41.37(a)), of	or any exten	sion thereof (37 CFR 4	1.37(e)), to	avoid dismissal of th	
(c)	(a)⊠ They raise new issues that would require	e further con	sideration and/or searcl			ecause
NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4.	(c) They are not deemed to place the application appeal; and/or	cation in bette	er form for appeal by ma	Š		the issues for
5. Applicant's reply has overcome the following rejection(s):		-		f finally reje	ected claims.	
<ul> <li>Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>For purposes of appeal, the proposed amendment(s): a) ∑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 22-24_26-31, 33, 36-39 and 41 - 45.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE</li> <li>The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  ———————————————————————————————————</li></ul>	4. The amendments are not in compliance with 3	37 CFR 1.12	1. See attached Notice	of Non-Co	mpliant Amendment (	(PTOL-324).
non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) \[ \] will not be entered, or b) \[ \] will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. \[ \] The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. \[ \] The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. \[ \] The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. \[ \] The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  \[ \] Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  \[ \] /Harshad Patel/	5. Applicant's reply has overcome the following r	rejection(s):	·			
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13. ☐ Other: /Harshad Patel/	11. The request for reconsideration has been cor	nsidered but	does NOT place the ap	plication ir	n condition for allowar	nce because:
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			/Harshad Pat	el/		
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Continuation of 3. NOTE: Comparing the plurality of measurements would require further search.